

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LINDA FLEMMING	)	CIVIL ACTION NO. 11-11009
Plaintiff,	)	
	)	
v.	)	
	)	
MASSACHUSETTS BAY LINES, INC.	)	COMPLAINT
and AMBER DEVELOPMENT	)	
CORPORATION	)	
Defendants.	)	

INTRODUCTION

1. This is an action for maritime personal injuries which occurred on or about July 3, 2010 while the Plaintiff, Linda Flemming, was a passenger aboard the M/V MASSACHUSETTS, which was owned, operated, chartered and/or controlled by the Defendants. The Plaintiffs assert a cause of action against the Defendant for personal injuries based upon negligence, all claims brought under the General Maritime Law.

JURISDICTION AND VENUE

2. This is a maritime case being brought pursuant to 28 U.S.C. § 1333(1).
3. Venue is proper pursuant to 28 U.S.C. § 1391(c).

PARTIES

4. The Plaintiff, Linda Flemming, is of legal age and resides in Bedford, Texas.
5. The Defendant, Massachusetts Bay Lines, Inc., is a domestic corporation with a principal place of business at 60 Rowes Wharf in Boston, Massachusetts and, at all relevant times, owned, maintained, managed, operated, chartered and/or controlled the vessel known as the M/V MASSACHUSETTS having a U.S. Coast Guard Number of 927011.

6. The Defendant, Amber Development Corporation, is a domestic corporation with a principal place of business at 60 Rowes Wharf in Boston, Massachusetts and, at all relevant times, owned, maintained, managed, operated, chartered and/or controlled the vessel known as the M/V MASSACHUSETTS having a U.S. Coast Guard Number of 927011.

#### FACTUAL ALLEGATIONS

7. On July 3, 2010, the Plaintiff, Linda Flemming, was a passenger on a cruise aboard the M/V MASSACHUSETTS which was transporting passengers for hire for purposes of a whale watch.
8. While the M/V MASSACHUSETTS was in navigable waters and while the Plaintiff was in the exercise of due care, she sustained serious personal injuries due to the negligence of the Defendants, their agents, servants and/or employees, which caused the M/V MASSACHUSETTS to run aground at high speed.

#### COUNT I

##### Linda Flemming v. Massachusetts Bay Lines, Inc. (General Maritime Law – Negligence)

9. Paragraphs 1-8 are realleged and incorporated herein by reference.
10. The injuries sustained by the Plaintiff were due to no fault of her own, but were caused by the negligence of the Defendant.
11. As a result of said injuries, the Plaintiff has suffered great pain of body and anguish of mind, incurred medical and hospital expenses, loss of time from her usual work and has suffered and will suffer other damages as will be shown at the trial of this matter.
12. This cause of action is brought for Negligence under the General Maritime Law.

REQUEST FOR RELIEF

1. That this Court, under Count I, enter judgment in favor of the Plaintiff against the Defendant.
2. For such other relief as this Court deems appropriate.

COUNT II

Linda Flemming v. Amber Development Corporation  
(General Maritime Law – Negligence)

13. Paragraphs 1-12 are realleged and incorporated herein by reference.
14. The injuries sustained by the Plaintiff were due to no fault of her own, but were caused by the negligence of the Defendant.
15. As a result of said injuries, the Plaintiff has suffered great pain of body and anguish of mind, incurred medical and hospital expenses, loss of time from her usual work, and has suffered and will suffer other damages as will be shown at the trial of this matter.
16. This cause of action is brought for Negligence under the General Maritime Law.

REQUEST FOR RELIEF

1. That this Court, under Count II, enter judgment in favor of the Plaintiff against the Defendant.
2. For such other relief as this Court deems appropriate.

**THE PLAINTIFFS REQUEST TRIAL BY JURY ON ALL COUNTS**

Respectfully submitted,  
Plaintiffs,  
By their attorneys,

/s/ Brian Keane

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